

**Introduced by Senator Alquist**  
(Coauthor: Assembly Member Jones)

June 17, 2009

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Senate Joint Resolution No. 15—Relative to public health laboratories.

LEGISLATIVE COUNSEL'S DIGEST

SJR 15, as introduced, Alquist. Public health laboratories.

This measure would encourage the Center for Medicare and Medicaid Services to amend the Clinical Laboratory Improvement Amendment regulations to, and the Congress and the President of the United States to enact legislation that would, allow qualified nondoctoral, nonboard certified persons to serve as laboratory directors of local public health laboratories with the express goals of ensuring adequate local public health laboratory support for response to communicable disease events, ensuring an adequate supply of local public health laboratory directors, and ensuring protection for the balance of the nation by increasing national security through adequate disease identification. This measure would encourage specified federal entities to also encourage CMS and the Congress and President of the United States to accomplish these goals in this manner.

Fiscal committee: no.

1 WHEREAS, The federal Center for Medicare and Medicaid  
2 Services (CMS) has adopted the Clinical Laboratory Improvement  
3 Amendment (CLIA) regulations related to laboratory director  
4 qualifications that are unreasonable for the California local public  
5 health laboratory system and have led to the closure of needed  
6 local public health laboratories in California; and

1 WHEREAS, CMS fails to recognize the unique responsibility  
2 and authority of local public health laboratories in response to  
3 disasters, both naturally occurring and man made; and

4 WHEREAS, The California local public health laboratory system  
5 has been recognized internationally for decades, is considered  
6 exemplary in quality of service and accuracy of testing, has  
7 responded to both naturally occurring and man made disasters,  
8 and has protected California's citizens for decades; and

9 WHEREAS, The California local public health laboratory system  
10 is an important element of the public health system that forms the  
11 triad, along with law enforcement and fire officials, in protecting  
12 our communities; and

13 WHEREAS, California's many immigration gateways, without  
14 adequate local public health laboratory resources, can be an entry  
15 point for the spread of infectious diseases with potential national  
16 impact; and

17 WHEREAS, The loss of local public health laboratory support  
18 in any community creates a national security concern that must  
19 not be ignored; and

20 WHEREAS, Congresswoman Doris Matsui has drafted federal  
21 legislation to provide states with the authority to permit local public  
22 health laboratories to operate in accordance with minor changes  
23 in CLIA language regarding laboratory director qualifications; and

24 WHEREAS, The California Conference of Local Health  
25 Officers, the California Association of Public Health Laboratory  
26 Directors, and the County Health Executives of California have  
27 all requested administrative relief from the onerous regulation  
28 without success; now, therefore, be it

29 *Resolved by the Senate and the Assembly of the State of*  
30 *California, jointly,* That the Legislature of the State of California  
31 encourages CMS to amend the CLIA regulations to, and the  
32 Congress and the President of the United States to enact legislation  
33 that would, allow qualified nondoctoral, nonboard certified persons  
34 to serve as laboratory directors of local public health laboratories  
35 with the express goals of ensuring adequate local public health  
36 laboratory support for response to communicable disease events,  
37 ensuring an adequate supply of local public health laboratory  
38 directors, and ensuring protection for the balance of the nation by  
39 increasing national security through adequate disease identification;  
40 and be it further

1     *Resolved*, That the Legislature of the State of California  
2 encourages the federal Secretary of Health and Human Services,  
3 the Department of Homeland Security, and other relevant federal  
4 regulatory authorities to encourage CMS to amend the CLIA  
5 regulations, and the Congress and President of the United States  
6 to enact legislation, to accomplish these policy goals in this  
7 manner; and be it further

8     *Resolved*, That the Secretary of the Senate transmit copies of  
9 this resolution to the President and Vice President of the United  
10 States, the Speaker of the House of Representatives, the Majority  
11 Leader of the Senate, and to each Senator and Representative from  
12 California in the Congress of the United States.